

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

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|------------------------------------|---|---|
| JOHNTAE REMONTZ LIVINGSTON, |) | |
| Plaintiff, |) | Civil Action No. 7:20cv00254 |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| M. ROBERTS, <u>et al.</u>, |) | By: Michael F. Urbanski |
| Defendants. |) | Chief United States District Judge |

Plaintiff Johntae Remontz Livingston, a Virginia inmate proceeding pro se and not in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. By notice entered April 30, 2020, the court advised Livingston that he must notify the court by no later than July 31, 2020 that he had accomplished service on the defendants. See ECF No. 4. On August 3, 2020, because Livingston has not notified the court concerning service, the court directed him to show cause within fourteen days why this action should not be dismissed for failure to prosecute. See ECF No. 9. The court warned Livingston that failure to respond to the court's order would result in dismissal of this action. Id. Livingston did not respond. Therefore, the court will dismiss this action without prejudice for failure to prosecute.

ENTER: This 24th day of August, 2020.



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge